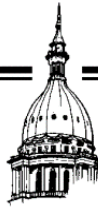




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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 92 (as introduced 1-29-13)  
Sponsor: Senator Mike Green  
Committee: Regulatory Reform

Date Completed: 3-14-13

**CONTENT**

**The bill would amend Part 177 (Pharmacy Practice and Drug Control) of the Public Health Code to provide for the licensure of pharmacy technicians. In brief, the bill would do the following:**

- **Require an individual to be licensed as a pharmacy technician if he or she assisted in a pharmacy and performed specific functions.**
- **Establish criteria for licensure, but excuse certain people from an examination requirement.**
- **Establish a \$20 application fee and a \$15 annual license fee for a pharmacy technician.**
- **Provide for the issuance of a temporary license.**
- **Require a pharmacy that used the services of a pharmacy technician to ensure that certain requirements were met.**
- **Allow the Michigan Board of Pharmacy to require a person to meet continuing education requirements for the renewal of a pharmacy technician license.**
- **Add a pharmacy technician to the Board.**

The bill would take effect on June 30, 2013.

**License Requirement**

Under the bill, a person who assisted in a pharmacy and performed any of the following functions would be considered to be serving as a pharmacy technician and, except as otherwise provided in Part 177, would have to be licensed:

- Assisting in the dispensing process.
- Handling transfer of prescriptions, except controlled substances prescriptions.
- Ordering and stocking medications.
- Compounding drugs.
- Preparing or mixing intravenous drugs for injection into a human or veterinary patient.
- Contacting prescribers concerning prescription drug order clarification, not including drug regimen review or clinical or therapeutic interpretation.
- Receiving verbal orders for prescription drugs, except orders for controlled substances.
- Subject to Section 16215 (which concerns the delegation of functions), performing any other functions authorized under rules promulgated under Part 177.

## Licensure Criteria

The Department of Licensing and Regulatory Affairs (LARA) could license an individual as a pharmacy technician if he or she met all of the following requirements:

- Submitted a complete written application to LARA on a form prescribed by the Department.
- Graduated from an accredited high school or comparable school or educational institution or passed the general educational development test or other graduate equivalency exam.
- Passed and submitted proof of passage of the certified pharmacy technician exam given by the Pharmacy Technician Certification Board, except as provided below.
- Satisfied the requirements of Section 16174.

(Section 16174 requires an individual who is licensed or registered under Article 15 (Occupations) of the Code to be at least 18 years old; be of good moral character; have a specific education or experience in the health profession and/or training equivalent as prescribed by Article 15 or rules of a board; have a working knowledge of the English language; pay the appropriate fees; and establish that disciplinary proceedings are not pending against him or her. An applicant for initial licensure or registration also must submit his or her fingerprints to the State Police for a criminal history check.)

An individual would not be eligible for licensure as a pharmacy technician if he or she held a health profession license under Article 15 that had been denied, revoked, suspended, or restricted for disciplinary purposes.

The examination requirement would not apply to an individual who met any of the following:

- He or she was a student in a pharmacy technician program approved by the Board, while performing duties assigned in the course of training.
- He or she graduated from a pharmacy technician program, but only during the 210-day period after graduation.
- He or she held a temporary license as provided in the bill.

The examination requirement also would not apply to a person who was employed by a pharmacy to perform any of the functions listed above (that would require a pharmacy technician license), but only until any of the following occurred:

- He or she was no longer employed by that pharmacy to perform those functions.
- The ownership of the pharmacy changed.
- The name of the pharmacy or the business that it was part of changed.
- The person performed any of the listed functions for another pharmacy.

## Temporary Licensure

The Department could issue a temporary pharmacy technician license to an individual who did not meet all of the criteria for licensure, if the applicant did all of the following:

- Applied to LARA for a temporary license after the bill's effective date.
- Provided satisfactory proof to LARA that he or she had been employed as a pharmacy technician in a licensed pharmacy for the two-year period before the date of application.
- Gave LARA a letter of recommendation from the pharmacist who was his or her direct supervisor at the time of application, attesting to his or her clinical competence as a pharmacy technician.
- Paid the applicable fees.

The term of a temporary pharmacy technician license would be the same as a pharmacy technician license, although an individual could not hold a temporary license for more than two years.

An individual holding a temporary license would be subject to all of the requirements of Part 177 and the rules promulgated under it, except for the licensure requirement.

### Continuing Education

The Board of Pharmacy could require a licensee seeking renewal of a pharmacy technician license to give the Board satisfactory evidence that, during the two years immediately before application for renewal, he or she had attended at least 20 hours of continuing education courses or programs, approved by the Board, or satisfactorily completed a proficiency examination according to rules promulgated by the Board.

### Pharmacy Responsibilities

A pharmacy that used the services of a pharmacy technician would have to ensure that all of the following requirements, as applicable, were met:

- The pharmacy technician was licensed or otherwise authorized to serve as a pharmacy technician under Part 177.
- The pharmacy technician performed only the activities or functions that he or she was licensed or otherwise authorized to perform under Part 177 or rules promulgated under that part.
- Except as provided by rule, the pharmacy technician performed only those activities or functions under the supervision and personal charge of the pharmacist.

An individual who was not a pharmacist, pharmacist intern, or pharmacy technician could not perform for a pharmacy any of the functions listed in the bill that would require licensure as a pharmacy technician. A pharmacist could not allow any individual employed or otherwise under the pharmacist's personal charge to violate this prohibition. A person who owned, managed, operated, or conducted a pharmacy also could not allow any individual employed or under the person's control to violate the prohibition.

### Other Provisions

The Michigan Board of Pharmacy currently consists of six pharmacists and five public members. The bill would add one pharmacy technician and reduce the number of public members to four.

Part 177 defines "practice of pharmacy" and describes professional functions associated with the practice. Under the bill, practice of pharmacy would include the direct or indirect provision of associated professional functions.

Part 177 lists words, titles, and letters that may be used only by people authorized to use them. The bill would add the following to the list: "pharm.d", "doctor of pharmacy", "pharmacy technician", "licensed pharmacy technician", "certified pharmacy technician", "cpht", and "dispensary".

MCL 333.16333 et al.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs. It would establish a professional licensing milieu for pharmacy

technicians, and establish fees for application processing and annual license renewal of \$20 and \$15, respectively. It is unknown precisely how many pharmacy technicians are employed in Michigan currently, but according to the Pharmacy Technician Certification Board (PCTB), approximately 8,000 pharmacy technicians are currently certified through the PCTB's optional certification program. If all of these pharmacy technicians became licensed through the State program under the bill, LARA would collect approximately \$160,000 in application fees initially, and \$120,000 annually in license fees. It is likely that the actual amount collected would be higher, however, as the PCTB figures include just those who are certified under its optional program; the actual number of practicing pharmacy technicians is likely higher.

The Department's costs to implement the proposed licensure program are unknown at this time. To the extent that the revenue collected under the bill exceeded those costs, the bill could have a positive fiscal impact on LARA. The opposite is also true, so the fiscal impact is indeterminate.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.